



# IDAHO SOIL CONSERVATION COMMISSION

Commission Meeting  
Wednesday, December 9, 2009  
1:30 p.m. MST

## Idaho Department of Agriculture

2270 Old Penitentiary Road  
Boise, Idaho 83712

### Idaho Soil Conservation Commission

PO Box 790  
2270 Old Penitentiary Road  
Boise, ID 83701-0790

Phone (208) 332-8650  
Fax (208) 334-2386

[www.scc.idaho.gov](http://www.scc.idaho.gov)

#### Governor

C.L. "Butch" Otter

#### Commission Members

J. Morgan Evans, Chair  
Bill Flory, Vice-chair  
Joe Davidson, Secretary  
Dwight Horsch  
Dick Bronson

#### Administrator

Sara Schmidt

## Lower Conference Rooms 1 & 2

### APPROVED MINUTES

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#### Commission Members Present:

Morgan Evans  
Dick Bronson

Bill Flory  
Joe Davidson

#### Commission Members Absent and Excused:

Dwight Horsch

#### Commission Staff Present:

Sara Schmidt  
Kristin Magruder  
Lance Holloway  
Justin Krajewski

Chuck Pentzer  
Delwyne Trefz  
Tony Bennett  
Wayne Newbill

#### Partners and Guests Present:

Harriet Hensley  
Cody Anderson  
Steve Becker  
Steve Miller  
Kent Foster  
Jeff Burwell  
Kyle Hawley  
Terry Halbert  
Karen Drew

Dave Schmidt  
Karma Bragg  
Scott Koberg  
Lynn Tominaga  
Joann Taylor  
Lyla Dettmer  
Kyle Wilson  
Tracy Hill  
Kelly Nielsen

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1 Meeting was called to order by Chairman J. Morgan Evans at 1:33 p.m.

2  
3 Welcome and self-introductions followed.

4  
5 Evans gave the floor to Jeff Burwell, Natural Resource Conservation Service (NRCS). Burwell  
6 discussed the economic analysis report done by NRCS economists on the benefit the Idaho  
7 Soil Conservation Commission (SCC) staff provides to put conservation on the ground in  
8 Idaho. Through the state agencies, NRCS is able to deliver funds but would be unable to do it  
9 all on their own if the Commission was abolished. If the Commission staff and local districts  
10 were not in place, millions of dollars of federal financial assistance would be spent in other  
11 states. NRCS will report their findings to the Interim Committee on December 10, 2009 and  
12 their economist will be on hand to answer questions about the reports.<sup>1</sup>

13  
14 **Joe Davidson reviewed minutes from the November 18, 2009 Commission meeting.**  
15 **Davidson moved to approve minutes. Bill Flory seconded. Motion passed**  
16 **unanimously.<sup>2</sup>**

#### 17 18 **Personnel Matters**

19  
20 **Flory moved to entered Executive Session pursuant to Idaho Code § 67-2345(a)(b). Dick**  
21 **Bronson seconded. Roll call vote was taken: all voting in the affirmative.**

22  
23 Harriet Hensley, Sara Schmidt, Karen Drew, Tony Bennett, and Justin Krajewski were invited  
24 to stay.

25  
26 **Moved into Executive Session at 1:43 p.m. to discuss pending personnel matters.**

27  
28 **Flory moved to end Executive Session pursuant to Idaho Code § 67-2345(a)(b).**  
29 **Seconded by Bronson. Roll call vote – all voting in the affirmative. Executive session**  
30 **ended at 2:03 p.m.**

31  
32 Evans discussed nature of Executive Session, which included personnel matters, some of  
33 which SCC was advised were not covered by the personnel exemption under the Open  
34 Meeting Law and therefore, the Commissioners ended Executive Session and discussed the  
35 issues in open meeting.

36  
37 Karen Drew, Idaho State Department of Agriculture (ISDA ) Human Resource Specialist  
38 Senior, discussed two possible scenarios based on state personnel rules. First, if the  
39 Commission is completely dissolved, then there is a complete unit layoff of staff and all staff  
40 would be able to compete for other state positions. Second, if the Commission continues to  
41 exist with a severe budget cut, reduction in force can be done by retention points, which is a  
42 combination of classification factors for each employee position. Discussion followed. Drew  
43 advised that fact sheets would be available for review. Question and answer session with  
44 Drew about state policies regarding layoffs, transfers, and the possibility of SCC staff being

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<sup>1</sup> NRCS Economic Analysis reports are available at the SCC Boise office.

<sup>2</sup> November 18, 2009 Meeting Minutes are available at the SCC Boise office.

absorbed by ISDA rather than laid off. Commissioners stated intention to retain staff and avoid layoffs as best as they could so that state agencies and districts would continue to receive technical assistance necessary for implementation of conservation projects.<sup>3</sup>

Steve Miller, Idaho Association of Soil Conservation Districts (IASCD), voiced support of the Association of the SCC staff and the technical assistance provided to the local districts.

### **Conservation in Southwest Idaho**

Delwyne Trefz, SCC Water Quality Resource Conservationist (WQRC), presented on a 319 project being implemented in the Owyhee Soil and Water Conservation District (SWCD). He is assisting the district by aggressively targeting grant opportunities and putting conservation on the ground.

Lance Holloway, SCC staff, presented on a 319 project being implemented in Adams SWCD, which covers eight miles of stream bank and involves over ten landowners to repair riparian areas on the Little Weiser River.

Question and answer session followed.

### **District Allocations<sup>4</sup>**

Wayne Newbill, SCC temporary staff, discussed the method for calculating the second district allocation. Pursuant to a decision made by the Commissioners at the November 18, 2009 meeting, the allocation was built off of FY 2009 actual funds received from local cities and counties. This presented a challenge as it was a different methodology from the first FY 2010 allocation, which was calculated from Letters of Intent received to date, which included both FY 2010 and FY 2011 estimated funds.

Newbill discussed the challenges of some districts receiving less than they originally budgeted for due to difference in the letter of intent received from their cities or counties and what they actually received. Newbill explained three options for Commissioners to consider. Commissioners queried district staff present.

Discussion followed about process of district budget process, Letters of Intent, and SCC historical practice for calculating allocations. Discussion about county budgeting process and the importance of the relationships between counties and districts. Further discussion about the effects of changing the historic practice of calculating district allocations mid-fiscal year and how to make up the shortcomings to districts that will experience a reduction in funding. Newbill explained that it was not clear how the allocation process had been implemented in previous years.

Discussion among Commissioners about SCC budget options for covering district shortfalls for second allocation.

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<sup>3</sup> All ISDA HR supporting documentation is available at the SCC Boise office.

<sup>4</sup> All handouts used for this presentation are available at the SCC Boise office.

89  
90 **Flory moved to make second district allocation based on Alternative C and hold 25%**  
91 **until the last quarter. No second. Motion died.**

92  
93 **Flory moved to make the second district allocation based on Alternative B and that**  
94 **during the last quarter of fiscal year 2010, consider a final adjustment for additional**  
95 **allocations to the districts. Davidson seconded. Discussion followed. Bronson**  
96 **requested that final adjustment take place as early in the quarter as possible. Motion**  
97 **passed unanimously.**

98  
99 **A short break was called for at 3:27 p.m.**

100  
101 **Meeting reconvened at 3:41 p.m.**

### 102 103 **Interim Committee Discussion and Follow-up**

104  
105 Evans opened up the floor to discussion about the draft legislation being considered by the  
106 Interim Committee at the December 10, 2009 meeting. All conservation partners present  
107 agreed that conservation needs to be maintained under a non-regulatory agency and the  
108 proposed legislation does not do that since it moves SCC directly under the director of the  
109 ISDA.

110  
111 Commissioners discussed positions on draft legislation and issues being considered by the  
112 Interim Committee. Davidson questioned the intent of IASCD.

113  
114 Evans excused Dwight Horsch from deliberations today due to surgery.

115  
116 Discussion continued. Points made about the importance of clean water and air and the  
117 ramifications if the SCC is abolished.

118  
119 Steve Miller, IASCD President, responded to Davidson's comments. IASCD supports the  
120 Commission but primarily supports the districts and is well aware of the ramifications to the  
121 districts should the Commission cease to exist. Steve Becker, Nez Perce SWCD, reiterated  
122 the position of IASCD and core points that they have been pursuing from the beginning, none  
123 of which include abolishing the SCC.

124  
125 Discussion about how testimony will be taken at the Interim Committee meeting. Several  
126 districts have written letters of support to the committee.

127  
128 Sara Schmidt, SCC Administrator, reviewed and summarized a draft response from the  
129 Commissioners to the Interim Committee. Schmidt described the budget holdback and  
130 additional savings that SCC could provide to possible total a 15% reduction. Further  
131 discussion about the staffing projection proposal, which maintains the current 18 FTEs and  
132 leaves the allotted FTE vacancies unfilled.

Discussion continued about focus of technical staff and how they support state and federal water quality mandates and other regulatory requirements. The cornerstone of SCC has been to integrate planning and implementation to encompass all issues.

Discussion about Commissioner's role in the RCRDP loan program, location of SCC in state government, selection of commissioners, and the value of conservation.

Evans opened up the floor for comments.

Bronson suggested getting the Commissioner's response letter to all districts so they may compare it to the draft legislation from the Interim Committee. Discussion continued about need to be unified as a partnership.

**Davidson moved to sign off on the draft Commission Response to Interim Committee regarding draft legislation. Flory seconded. Discussion followed. Motion passed unanimously.<sup>5</sup>**

Evans opened the floor for further discussion.

Scott Koberg, Ada SWCD, commented on the positive direction of the discussion and thanked the commission for providing feedback to the interim committee. He hopes that a majority of districts will support the position. Hawley asked that the Commission distribute their comments as widely as possible.

Lynn Tominaga, Idaho Ground Water Appropriators, provided some perspective as a former legislator on the draft bill about dissolution of the Commission and the possible ramifications of being under a Director of an agency and potential of additional future funding cuts. In the draft bill, conservation would not be the primary purpose of the department. If there are conflicts, the director would make the decisions – the advisory board is simply advisory. There was comment that this is only the initial step in the process – interim committee recommendations go to the germane committee and to the floor of each body. On the budget side, the Governor will make recommendations and the Joint Finance and Appropriations Committee (JFAC) will set final budgets.

**Davidson moved to adjourn the meeting. Bronson seconded. Motion passed unanimously. Meeting adjourned at 5:04 p.m.**

Respectfully submitted,

Joe Davidson  
Commissioner and Secretary,  
Idaho Soil Conservation Commission

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<sup>5</sup> A copy of the Commission Response Letter is available at the SCC Boise office.